IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

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O R D E R

ALI MOHD. VS. THE STATE OF RAJ. & ORS.

S.B. CIVIL WRIT PETITION NO.95/1994 UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA.

DATE OF ORDER : 5.7.2006

PRESENT

HON'BLE MR.MOHAMMAD RAFIQ,J.

Mr. RK Soni, for the petitioner.
Mr. Rameshwar Dave, Dy.GA, for the respondent-State.

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BY THE COURT: -

The present writ petition has been filed by the petitioner on 4.1.94 with the prayer that the respondents may be directed to pay all his retiral benefits including provident fund, State Insurance, Leave encashment commutation of pension, gratuity,

monthly pension with DA and all other retiral benefits to which the petitioner is entitled as per law. It has also been prayed that 24% compound interest may also be granted from the date of his retirement till the same is actually paid to him.

According to the petitioner he retired from service after attaining the age of superannuation vide order dated 5th June, 1993 (Annex.2) w.e.f. 30th June, 1993. He has stated in the writ petition that all his retiral dues have not been made to him despite several requests.

In the reply to the writ petition, the respondents have contended that after the retirement of the petitioner all requisite formalities were got completed and after receiving the papers/documents from the concerned department, the petitioner was paid the amount of GPF, CPF,commutation and arrears of pension. It has been submitted that there was no malafide in causing delay for making payment of all these retiral dues to the petitioner. It is further submitted that the petitioner has been paid all the retiral benefits after about six months of his retirement.

On the other hand, learned counsel for the petitioner Sh. RK Soni in rejoinder has submitted that when the retiral benefits were not given to the petitioner, the petitioner was constraint to approach this Court and retiral benefits were paid to him much after filing of the present writ petition.

In the facts and circumstances of the case, when the retiral benefits have already been paid to the petitioner, no order on the merits of the case need be passed. In the facts and circumstances of the case, respondents are directed to pay interest to the petitioner @ 6% for the period of delay caused in the payment of the retiral benefits. Such payment should be made within a period of three months from the date of receipt of the copy of this order by them.

The writ petition is disposed of accordingly.

There shall be no order as to costs.

(MOHAMMAD RAFIQ), J.

c.p.goyal/-